

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2014-009229

10/08/2014

HONORABLE J. RICHARD GAMA

CLERK OF THE COURT  
S. Uppendahl  
Deputy

HERITAGE VILLAGE I I HOMEOWNERS  
ASSOCIATION

SHELTON L FREEMAN  
BARBARA KATHLEEN GILBERTSON

v.

RICHARD WEINBERG, et al.

J ROGER WOOD

EVIDENTIARY HEARING/ HEARING CONTINUED

Courtroom 701 – Central Court Building

Prior to the commencement of the proceedings, Plaintiff's exhibits 1-80 and Defendants' exhibits 81-156 are marked for identification.

9:30 a.m. This is the time set for Evidentiary Hearing. Plaintiff is represented by Barbara Kathleen Gilbertson. Defendants Richard Weinberg and Laine Weinberg are present and represented by counsel, J. Roger Wood.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Discussion is held regarding exhibits, stipulations thereof and clarification on marked exhibits pursuant to the parties' Stipulated List of Exhibits, filed October 7, 2014. Accordingly,

Plaintiff's exhibits 1-80 and Defendants' exhibits 81-156 are received in evidence.

The parties further advise that Defendants' exhibits 105 and 138 will be removed and/or deleted as marked exhibits. Accordingly,

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IT IS ORDERED withdrawing Defendants' exhibits 105 and 138 and releasing same to counsel for Defendants.

ISSUED: Exhibit Release Form

Defense counsel invokes the Rule of Exclusion of Witnesses. The parties are advised that the Exclusionary Rule will remain in effect as to all witnesses.

Plaintiff's case:

Jaime Uhrich is sworn and testifies.

Jaime Uhrich is excused as a witness.

10:53 a.m. The Court stands at recess.

11:17 a.m. Court reconvenes with the parties and respective counsel present.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Plaintiff's case continues.

Melissa Kemp is sworn and testifies.

12:00 p.m. The Court stands at recess until 1:30 p.m.

1:33 p.m. Court reconvenes with the parties and respective counsel present.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Due to scheduling purposes, one of Defendant's witnesses is called to testify out of order.

Defendants' case:

Jacqueline K. Monty is sworn and testifies.

Jacqueline K. Monty is excused as a witness.

Plaintiff's case resumes.

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Melissa Kemp having been previously sworn resumes the stand and testifies further.

Melissa Kemp is excused as a witness.

2:56 p.m. The Court stands at recess.

3:20 p.m. Court reconvenes with the parties and respective counsel present.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Discussion is held regarding schedule. Court and counsel have agreed that an additional day will be necessary to conclude today's hearing.

IT IS ORDERED continuing the Evidentiary Hearing until **November 5, 2014 at 9:30 a.m. (Time allotted: 3 hours)** in this division.

Plaintiff's case continues.

Melissa Kemp resumes the stand and continues to testify.

Melissa Kemp is excused as a witness.

The Court advises the parties that at the conclusion of the proceedings, they shall file Findings of Facts and Conclusions of Law along with a proposed form of Order, including an electronic CD copy of same.

Discussion is held regarding a referral for a further settlement resolution.

4:21 p.m. Hearing concludes.

LATER:

Pursuant to the parties' recently filed Stipulated List of Exhibits,

IT IS ORDERED withdrawing Defendants' exhibits 94, 100, 104, 112 and 125 and releasing to counsel for Defendants.

ISSUED: Exhibit Release Form

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Let the Record Reflect that Defendants' exhibit 124 will not be withdrawn as previously stated on the parties' stipulation due to having been used during the proceedings.